

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CONVERGENT COMMUNICATIONS, INC.)	
)	
)	CASE NO.
)	93-102
ALLEGED VIOLATION OF KRS 278.020)	
AND KRS 278.160)	

O R D E R

On June 23, 1993, Convergent Communications ("Convergent") filed a proposed Settlement Agreement, a copy of which is attached hereto and incorporated herein as Appendix A. The settlement expresses Staff's and Convergent's agreement on a mutually satisfactory resolution of all issues in this case.

In determining whether the results of the Settlement Agreement are in the public interest and are reasonable, the Commission has taken into consideration the steps taken by Convergent to remediate and cure its outstanding violations. After consideration of the proposed Settlement Agreement and being otherwise sufficiently advised, the Commission finds that the proposed Settlement Agreement is in accordance with the law and does not violate any regulatory principle. This Settlement Agreement is in the public interest and results in a reasonable solution of this case.

IT IS THEREFORE ORDERED that:

1. The Settlement Agreement is hereby adopted and approved in its entirety as a reasonable resolution to the issues in this case. Convergent shall adhere to and comply with all provisions of

the Settlement Agreement the same as if individually ordered herein.

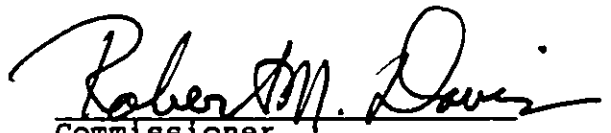
2. Convergent shall pay the agreed penalty of \$100 within 10 days of the date of this Order by certified check or money order made payable to Treasurer, Commonwealth of Kentucky. Said check or money order shall be mailed or delivered to the Office of General Counsel, Public Service Commission, 730 Schenkel Lane, Frankfort, Kentucky 40601.

Done at Frankfort, Kentucky, this 6th day of July, 1993.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 93-102 DATED JULY 6, 1993

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CONVERGENT COMMUNICATIONS, INC.

ALLEGED VIOLATION OF KRS 278.020
AND KRS 278.160

)
)
) CASE NO.
) 93-102
)
)

SETTLEMENT AGREEMENT

WHEREAS, on March 29, 1993, the Public Service Commission (the "Commission") issued an order requiring Convergent Communications, Inc. ("Convergent") to appear before the Commission on April 16, 1993, to show cause why it should not be penalized for providing service prior to receiving a certificate of convenience and necessity in violation of KRS 278.020 and 278.160.

WHEREAS, on April 15, 1993, Convergent requested that the Commission cancel the hearing and provide Convergent with the opportunity to propose a settlement of the issues.

WHEREAS, Convergent and the Commission Staff have reached an agreement on the resolution of the issues.

NOW THEREFORE, be it resolved that:

1. By signing this Settlement Agreement, Convergent admits violation of KRS 278.020 and KRS 278.160. Convergent agrees that this Agreement represents the most judicious method by which to resolve this case and agrees to take the steps outlined herein.

2. Convergent shall pay a penalty in the amount of \$100.00. A certified check for the full amount of the penalty shall be made

payable to the Kentucky State Treasurer and delivered to the Office of General Counsel, Public Service Commission, 730 Schenkel Lane, Frankfort, Kentucky 40601 within ten (10) working days of the Commission's Order approving this Settlement Agreement.

3. Upon issuance of an order by the Commission accepting this Settlement Agreement, to the extent that Convergent has not completed the refunding or crediting of all customers for all intrastate charges billed and collected prior to the Commission's authorization of Convergent to provide intrastate telecommunications service, Convergent shall commence making refund payments or credits to all customers for all charges billed and collected by Convergent for intrastate telecommunications service from October 1, 1990, until such time as Convergent is authorized to provide intrastate services.

4. Within thirty (30) days from the date Convergent refunds or credits its customers, Convergent shall provide a list to the Commission of the names, addresses, amounts paid, and method of payment for customers entitled to and receiving a refund or credit. Such information may be submitted to the Commission with a petition for confidential treatment. Thereafter, Convergent shall provide monthly reports to the Commission in performing its obligations under this Settlement Agreement.


5. This Settlement Agreement is submitted for the purposes of this case only and is not deemed binding upon the parties hereto in any other proceeding, nor is it to be offered or relied upon in any other proceeding involving any other utility.


6. If the Commission issues the Order adopting this Settlement Agreement in its entirety, Convergent agrees that it shall not file an application for rehearing with the Commission nor an appeal to the Franklin Circuit Court from the Order.

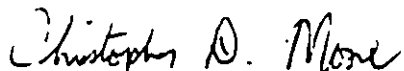
7. If the Settlement Agreement is not adopted in its entirety, Convergent reserves the right to withdraw from the Agreement and require that hearings go forward upon all or any matters involved herein, and, that, in such event, the terms of the Agreement shall not be deemed binding upon the signatories hereto, nor shall such agreement be admitted into evidence, referred to or relied on in any matter by any signatory hereto.

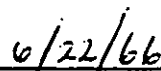
8. All the parties hereto agree that the foregoing Settlement Agreement is reasonable and in the best interest of all concerned, and urge the Commission to adopt this Agreement in its entirety.

AGREED TO BY:


Hon. J. D. Bloom, on behalf of
Convergent Communications, Inc.


Date


Hon. Christopher D. Moore, on
behalf of Commission Staff


Date